

Mackil, Molly J. (DNREC)

From: Heineman, Roy W. (DNREC)
Sent: Thursday, November 21, 2013 10:05 AM
To: Mackil, Molly J. (DNREC)
Subject: RE: DRAFT FOIA Response Payan - Allen Family Foods and Allen Harim

This response works for me. Also, per our discussion, you can furnish the five day letters to Ms. Payan.

Roy

From: Mackil, Molly J. (DNREC)
Sent: Thursday, November 21, 2013 9:42 AM
To: Heinemañ, Roy W. (DNREC); Ashby, Bryan A. (DNREC)
Subject: DRAFT FOIA Response Payan - Allen Family Foods and Allen Harim

Please see below for my draft response to FOIA 2013-10-21-01 and FOIA 2013-10-21-02 – since this is overdue, I was hoping to get it out today? Please let me know your thoughts!

Ms. Payan:

In response to your October 21, 2013, FOIA requests (FOIA 2013-10-21-01 and FOIA 2013-10-21-02), and per our subsequent emails and telephone conversations, regarding Allen Family Foods and/or Allen Harim Foods, LLC, at their facility located in Harbeson, DE, or at their business office at 126 N. Shipley Street, Seaford, DE, generally including any and all information from October 2010 to the present, specifically including any letters requesting permit transfer, any letters regarding ownership change, any information on any violations and a list of all active permits, the Surface Water Discharges Section (SWDS) of the Division of Water, Department of Natural Resources and Environmental Control, responds:

Please see the attached (1) letter regarding NPDES permit transfer; (2) letter regarding the ownership change; and (3) the current NPDES Permit for Allen Harim Foods, LLC, which has been administratively extended, meaning that all permit requirements remain valid and in effect until a new NPDES permit is issued.

Please note, other information may have already been provided or may be forthcoming from other State agencies.

Regarding the “any and all” part of your requests, we have expended one (1) hour of administrative time to prepare the files from that same general time frame that may or may not contain related documents and correspondence. There are a couple of options if you would like to review, copy and/or scan these files:

1. You can call Marla Chase (302-739-9946) to set up an appointment to come in and review the files, bringing your own copier/scanner, paper and any other supplies necessary to make copies or scan the documents yourself. For this option, let us know how much time we should allocate for review time with administrative oversight and we will prepare an invoice, payable in advance of the appointment. Typically, this could be 3 hours in the morning (8:30 am to 11:30 am) and/or three hours in the afternoon (1:00 pm to 4:00 pm).
2. You can call Marla Chase to set up an appointment to come in and review the files, placing tabs on the documents you would like us to copy or scan. For this option, let us know how much time we should allocate for review time with administrative oversight and we will prepare an invoice as in #1 above. After the tabs are placed, we will prepare another invoice, including administrative and copying costs, as applicable.

Just as an fyi, the SWDS administers seven (7) programs, including Concentrated Animal Feed Operations (CAFO), Biosolids (sludge), Municipal Separate Storm Sewer Systems (MS4), Industrial Storm Water, National Pollutant Discharge Elimination System (NPDES), Pesticides, and Wastewater Construction permits.

Please let me know if you have any questions.

Molly J. Mackil, P.E., LEED AP
Environmental Engineer IV
Surface Water Discharges Section, Division of Water
Dept. of Natural Resources and Environmental Control
State of Delaware
89 Kings Highway, Dover, DE 19901
Tel: 302-739-9352 Fax: 302-739-8369
molly.mackil@state.de.us